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CAPTIAL ASSETS

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- i. City of Deerfield Beach
Resolution No. C-1998/073**

RESOLUTION
 Introduced Trinchitta

	YEA	NAY
Commissioner Noland	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Shaddow	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commissioner Trinchitta	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vice Mayor Clarke-Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Capelloni	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. C-1998/073

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH AUTHORIZING COMPLIANCE WITH CHARTER CODE REQUIREMENTS TO PLACE ON THE NOVEMBER 3, 1998 ELECTION BALLOT A REFERENDUM QUESTION FOR AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF DEERFIELD BEACH TO PROVIDE FOR REPEAL OF THE PRESENT SECTION 7.09(2) OF THE CITY CHARTER AND CREATING A NEW SECTION 7.09(2) OF THE CITY CHARTER PROVIDING FOR RESTRICTIONS ON THE SALE, GIFT, TRADE, TRANSFER OR LEASE OF ALL OR A PORTION OF CITY OWNED REAL PROPERTY WITH A VALUE IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)

WHEREAS, the Charter requirements for placing on the November 3, 1998 ballot of an Amendment to the City Charter relating to the sale of City property have been met (copy of Petition is attached hereto as Exhibit A); and

WHEREAS, the proposed Amendment to the City Charter would have the effect of repealing Section 7.09(2) of the City Charter and replacing it with new restrictions on the sale, gift, trade, transfer or lease of all, or a portion, of City owned property having a value over Seven Hundred Fifty Thousand Dollars (\$750,000.00). A copy of the Amendment is contained within the petition attached hereto as Exhibit A; and

WHEREAS, the City Commission of the City of Deerfield Beach, in compliance with its City Charter, does hereby wish to provide for a referendum election on the initiative question pursuant to City Charter requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA:

SECTION 1. The City Commission finds that the requirements have been met for placing on the November 3, 1998 ballot, a proposed Amendment to Section 7.09(2) of the City Charter, which would repeal the existing Section 7.09(2) and replace it with the following:

SECTION 2. WHEREAS, said requirements have been met, the City Commission does hereby direct the Supervisor of Elections to place on the ballot of the City of Deerfield Beach for the November 3, 1998 general election, the following question:

REQUIRE REFERENDUM TO TRANSFER CITY PROPERTY
VALUED IN EXCESS OF SEVEN HUNDRED FIFTY
THOUSAND DOLLARS

SHALL THE CITY AMEND ITS CHARTER TO REQUIRE
ANY SALE, GIFT, TRADE, TRANSFER OR LEASE OF
ALL OR A PORTION OF CITY-OWNED REAL PROPERTY,
OR OF ANY INTEREST THEREIN, TO FIRST BE APPROVED
BY A MAJORITY OF THE QUALIFIED ELECTORS OF THE
CITY VOTING AT A REGULAR CITY, GENERAL OR
SPECIAL ELECTION IF THE FAIR MARKET VALUE OF
THE REAL PROPERTY IS IN EXCESS OF \$750,000.00,
WITH SPECIFIED EXCEPTIONS?

YES _____
NO _____

SECTION 3. Upon approval by a majority of the registered electors voting on said question, the Charter Amendment as contained within Exhibit A shall be included in the Charter as the revised 7.09(2) and be in full force and effect.

SECTION 4. The Supervisor of Elections is authorized to take all necessary action to place this in proper form on the ballot for the general election of November 3, 1998, and the City Clerk shall take such other actions as are necessary to have said item placed on the ballot and properly advertise the referendum question, election, and ballot question as required by law.

ADOPTED THIS 26TH DAY OF MAY, 1998

ATTEST:


FELICIA BRAVO, CITY CLERK


ALBERT R. CAPELLINI, P.E., MAYOR

AFFIDAVIT

We, the undersigned electors of the City of Deerfield Beach, hereby initiate charter amendment proceedings pursuant to Section 9.01(2)(a) of the Deerfield Beach City Charter. We state that we constitute the committee called "Save Our Beach Committee" which was formed pursuant to Florida law on March 12, 1998. Margaret Hilton is our Chairperson.

We further state that we will be responsible for circulating the petition and filing it in proper form. Our names and addresses appear below. The address to which all notices to the committee are to be sent is 1101 SE 5 Court, Deerfield Beach, FL 33441.

The full text of the proposed charter amendment is set forth below:

A BILL AMENDING SECTION 7.09 (2) OF THE CITY CHARTER OF DEERFIELD BEACH TO REQUIRE A REFERENDUM FOR THE SALE OF CITY REAL PROPERTY VALUED IN EXCESS OF \$750,000.00:

SECTION 1. That Section 7.09 (2) be amended as follows:

- (2) Sale, gift, trade, transfer or lease of public property. Any (a) intended sale, gift, trade, transfer or lease of public all or a portion of city-owned real property, or (b) sale, gift, trade, transfer or lease of any interest right to all or a portion of city-owned real property, may must be approved or rejected by a majority of the qualified electors of the city voting at a regular city, general or special election if the fair market value of the real property is in excess of \$750,000.00. If a portion of city-owned real property is being considered, the value of the entire parcel must be determined for purposes of determining fair market value. Fair market value is defined as the highest price valued in terms of money that the land would bring in if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all the uses and purposes for which it may be capable of being used. Sale is defined as any transfer of real property to another party. Gift is defined as the conveying of title or interest in real property to another party. Trade is defined as the exchange of real property to another party for consideration. Transfer is defined as conveying of title, interest or rights in real property to another party. Lease is defined as a contract for possession or use of real property. The only exceptions to this referendum requirement are that the city commission may, upon a four-fifths majority vote, award leases or contracts (but may not sell, gift, trade or transfer) for a pier restaurant or snack facility located east of Ocean Drive or for the operation of the pier itself or for the operation of a business for cabanas, umbrellas and chairs on the beach.

CODING: Words stricken are deletions; words underlined are additions.

I, L. John Galen, certify that I personally circulated this petition which has 24 signatures thereon, that I believe them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

L. John Galen Signature of Circulator

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 1st day of April 1998 by L. John Galen.



LILLIAN F. LORRAINE
COMMISSION # CC 626324
EXPIRES MAR 17, 2001
BONDED THRU
ATLANTIC BONDING CO., INC.

Lillian F. Lorraine
Signature of Notary Public

Lillian F. Lorraine
Print, Type, Stamp Name of Notary Public

Personally Known to Me _____ OR Produced Identification _____
Type of Identification Produced Driver's License

Exhibit "A"

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ii. Restrictions

d. Discussion regarding scale models of new projects in Town (Vice Mayor McIntee)

Vice Mayor McIntee wanted to know why scale models were not included. Attorney Weiss stated that that section of code dealt with Overlay Districts, which longer applied since the Overlay Districts were repealed.

e. Discussion and/or action regarding kite surfing - parasailing - on the beach (Vice Mayor McIntee)

This item was considered at the January 13, 2009 Commission meeting

* f. Discussion and/or action to place on a referendum expenditures for any one project which exceeds "x" in value, and/or selling of a town valued asset valued over "y" (Commissioner Silverstone)

Commissioner Silverstone explained that he wanted to put this on a referendum to limit the authority of the Commission to spend or sell property without first going to the people. He felt that if the Commission spent anything over \$1 million it would be a good amount and selling anything collectively for over \$3 million would be a fair amount.

Commissioner Clotey asked if that would include the warehouse that is currently for sale. Commissioner Silverstone said it would apply to future purchases and sales.

Attorney Weiss explained that the referendum would put a requirement on the Commission.

Vice Mayor McIntee said it saved Deerfield Beach from being taken over by BSO as it required that anything over \$750,000 had to go to the people. He felt it protected the people by keeping the Commission from arbitrarily doing things that may not be the will of the majority.

Commissioner Clotey felt there needed to be more clarity as to whether it included giving away property.

Commissioner Silverstone made a motion to direct Manager Colon to work with the Town Attorney, using Deerfield Beach as their model, and bring it before the Commission for review. Commissioner Clotey wanted to know if this would interfere with the infrastructure set for the south. Commissioner Silverstone said it depended on the amount that was set.

Commissioner Silverstone preferred not to have expenditures included and wanted it taken out. He thought a cap of \$350,000 on selling something was a fair amount.

Commissioner Silverstone clarified his motion was to direct the Town Manager and the Town Attorney to work on creating an Ordinance or possibly a referendum to limit the selling of any assets over \$350,000.

Commissioner Clotey offered a friendly amendment to include wording to prevent the giving away of property as there was a difference between selling and giving away. Commissioner Silverstone accepted. Vice Mayor McIntee seconded the motion with the friendly amendment. Discussion followed regarding the cost involved of having a referendum every time something was to be sold for more than \$350,000.

Commissioner Dodd proposed a friendly amendment to increase it to \$500,000. Commissioner Silverstone thought that perhaps they should make it a percentage of the budget.

Mayor Minnet suggested that the Commission go forward with the direction given and do some research on their own.

Attorney Weiss wanted clarification as to whether the Commission was looking for a draft referendum or draft Ordinance. Commissioner Silverstone wanted to amend the Charter.

Commissioner Silverstone withdrew his motion. Commissioner Clotey withdrew her second.

Commissioner Silverstone made a motion to extend the meeting past 11:00 p.m.

g. Discussion and/or action regarding Town sign at Commercial Blvd and A1A (Vice Mayor McIntee)

Vice Mayor McIntee made a motion to table to the January 27, 2009 Commission meeting. Commissioner Clotey seconded the motion.

Manager Colon said only electrical work was done on the sign that was already there. Vice Mayor McIntee said the sign was down for a number of years. Louis Marchelos said the sign was put up in 1963 and the Commission said the sign was historical. Vice Mayor McIntee disagreed. Marc Furth confirmed that when the Sign Ordinance was done that sign was declared a historical sign.

Vice Mayor McIntee made a motion to accept. Commissioner Dodd seconded the motion. All voted in favor.

Vice Mayor McIntee stated that the sign was a national landmark and was on Town property. He thanked the Marchelos brothers for doing what they could

Item No. 16 f**TOWN OF LAUDERDALE-BY-THE-SEA****AGENDA ITEM REQUEST FORM****Commissioner Silverstone**

Department Submitting Request


Dept Head's Signature

<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>	<u>Commission Meeting Dates</u>	<u>Last date to turn in to Town Clerk's Office</u>
<input type="checkbox"/> Oct 14, 2008	Oct 3 (5:00 p.m.)	<input type="checkbox"/> Dec 16, 2008**	Dec 5 (5:00 p.m.)	<input type="checkbox"/> Feb 24, 2009	Feb 13 (5:00 p.m.)
<input type="checkbox"/> Oct 28, 2008	Oct 17 (5:00 p.m.)	<input type="checkbox"/> Jan 13, 2009	Jan 2 (5:00 p.m.)	<input type="checkbox"/> Mar 10, 2009	Feb 27 (5:00 p.m.)
<input type="checkbox"/> Nov 10, 2008*	Oct 31 (5:00 p.m.)	<input type="checkbox"/> Jan 27, 2009	Jan 16 (5:00 p.m.)	<input type="checkbox"/> Mar 24, 2009	Mar 13 (5:00 p.m.)
<input type="checkbox"/> Nov 25, 2008	Nov 14 (5:00 p.m.)	<input type="checkbox"/> Feb 10, 2009	Jan 30 (5:00 p.m.)	<input type="checkbox"/> April 14, 2009	April 3 (5:00 p.m.)

* Meeting changed due to Holiday

**Meetings Combined due to Holiday

NATURE OF AGENDA ITEM☐ Presentation☐ Resolution☐ New Business☐ Report☐ Ordinance☐ Manager's Report☐ Consent Agenda☐ Public Hearing☐ Attorney's Report☐ Bids☐ Old Business☐ Other

EXPLANATION: Discussion and or action to place on a referendum expenditures for any one project which exceeds "x" in value, and or selling of a town asset valued over "y".

STAFF RECOMMENDATION: N/A**BOARD/COMMITTEE RECOMMENDATION:** N/A**FISCAL IMPACT AND APPROPRIATION OF FUNDS:** N/A

☐ Amount \$ _____ ☐ Acct # _____
☐ Transfer of funds required ☐ From Acct # _____

☐ Bid ☐ Grant ☐ Amount represents matching funds

Provide copies of approved item to:

☐ Administration☐ Town Attorney☐ Finance☐ Development Services☐ Municipal Services☐ Parking☐ Police☐ Fire☐ Other (provide complete address)

Town Attorney review required

☒ Yes ☐ NoTown Manager's Initials: *Q*